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REMARKS

This amendment is filed concurrently with a Request for Continued Examination. The remarks in this amendment are in response to the Final Office Action mailed March 22, 2006. Claims 1 through 51 are currently pending in the application. Claims 1 through 51 stand rejected. Applicants have amended claims 1, 3, 5, 7, 12, 23, and 39-47, and respectfully request reconsideration of the application as amended herein.

35 U.S.C. § 101 Non-Statutory Subject Matter Rejection

Claims 3 and 4 stand rejected under 35 U.S.C. § 101 as the claimed invention is directed to non-statutory subject matter. Applicants respectfully traverse this rejection, as hereinafter set forth.

Applicants have amended independent claim 3 from which claim 4 depends to include the method steps or acts of "transmitting." Accordingly, Applicants respectfully request the rejections be withdrawn.

35 U.S.C. § 102(b) Anticipation Rejections**Anticipation Rejection Based on European Pat. App. EP 1 024 661 A2 to Gagnon et al.**

Claims 1-7, 9-16, 18-20, 22-27, 29-36, 39-44, and 46-50 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Gagnon et al. (European Patent No. EP1024661A2). Applicants respectfully traverse this rejection, as hereinafter set forth.

A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. *Verdegaal Brothers v. Union Oil Co. of California*, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). The identical invention must be shown in as complete detail as is contained in the claim. *Richardson v. Suzuki Motor Co.*, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

Applicants submit that the Gagnon reference does not and cannot anticipate under 35 U.S.C. § 102 the presently claimed invention of:

- Independent claim 1 and claim 2 depending therefrom;
- Independent claim 3 and claim 4 depending therefrom;
- Independent claim 5 and claim 6 depending therefrom;
- Independent claim 7 and claims 9-11 depending therefrom;
- Independent claim 12 and claims 13-16 and 18 depending therefrom;
- Independent claim 19 and claims 20 and 22 depending therefrom;

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Independent claim 23 and claims 24-27 and 29-33 depending therefrom;
Independent claim 34 and claims 35 and 36 depending therefrom;
Independent claim 39 and claims 40-44 and 46 depending therefrom;
Independent claim 47 and claims 48-50 depending therefrom,

because the Gagnon reference does not describe, either expressly or inherently, the identical inventions in as complete detail as are contained in the claims.

The Response to Arguments section of the Office Action alleges:

In response to Applicant's argument that Gagnon et al. does not disclose broadcast overhead information that has a bearing upon transmission and processing of the broadcast session, the Examiner respectfully disagrees. Gagnon et al. discloses the use of SDP+ records (See page 16 paragraph 84). These SDP+ records are broadcast overhead information transmitted on a broadcast transmission channel (See page 8 paragraph 36). (Office Action, p. 17; emphasis added).

Applicants respectfully rely upon the precise disclosure of the cited reference, namely, "An SDP+ record is an announcement mechanism that includes a number of fields, which are assembled into a single record or file to provide information on available services ... (Gagnon, paragraph [0084], lines 1-4).

The Response to Arguments section of the Office Action continues to allege:

Gagnon et al. also discloses that the SDP+ records provide information including content type, start time, duration, Internet address information, and actions to be taken on receipt of the information, *with the SDP+ records being used to properly tune the receiver station 106 to receive broadcast information* (See page 16 paragraph 87).

Again, Applicants respectfully rely upon the precise disclosure of the cited reference, namely:

As previously mentioned, SDP+ records also provide announcement information including content type, start time, duration, Internet address information, and actions to be taken on receipt of the information. Announcement management is critical to **finding the data stream**, discrete download or webcast information in the received transmission. ... The system user (client) uses SDP+ records to schedule program reception. After the client makes selections based on the SDP+ record information, the receiver station 106 properly tunes itself **to receive** the selected information. (Gagnon, paragraph [0087], lines 1-15; emphasis added).

Applicants acknowledge that the Gagnon reference discloses "announcement information" and that such information provides a source of information identifying and informing the user of characteristics (e.g., content type, start time, duration, Internet address

information, and actions to be taken on receipt of the information) of the broadcast session, however, this “announcement information” is a separate session or information source separate from the broadcast session that it describes.

The Response to Arguments section of the Office Action improperly concludes:

Since the SDP+ records are used to both determine “actions to be taken upon receipt of the information”, as well as, to allow the receiver station to “properly tune itself to receive[] the selected information”, it is clear that the SDP+ information does have bearing upon transmission and processing of the broadcast sessions received. (Office Action, pp. 17-18; emphasis added.)

Applicants further acknowledge that the Gagnon reference discloses that the SDP+ records are used to inform a user of actions that must necessarily be taken in order for the user to begin receiving the broadcast session. Applicants respectfully reiterate a portion of the previous citation to the Gagnon reference, namely:

The system user (client) uses SDP+ records to schedule program reception. After the client makes selections based on the SDP+ record information, the receiver station 106 properly tunes itself to receive the selected information. (Gagnon, paragraph [0087], lines 12-15; emphasis added).

Clearly, the SDP+ records form an informative guide that includes both (i) information consumed by the user to make an informed decision in selecting a program, and (ii) information consumed by a receiver station to configure a tuner to be ready to receive the broadcast session. Accordingly, the SDP+ records as disclosed in the Gagnon reference configure a system to make feasible the reception of a broadcast session. In contrast, Applicants’ invention, as claimed in the various independent claims, recites information for processing the broadcast session. Applicants’ independent claims as variously amended specifically recite:

1. In a wireless communication system supporting a broadcast service, a method comprising: transmitting a broadcast session on a broadcast transmission channel; and transmitting broadcast overhead information with the broadcast session on the broadcast transmission channel, the *broadcast overhead information provides information for processing the broadcast session*. (Emphasis added.)
3. A method of transmitting a communication signal on a carrier wave, the signal comprising: transmitting a broadcast session portion; and transmitting a session description protocol message (SDP message) interleaved with the broadcast session portion, the *SDP provides information for processing the broadcast session*. (Emphasis added.)

5. In a wireless communication system supporting a broadcast service, a method comprising:
receiving a session description protocol (SDP) message corresponding to the broadcast session on the broadcast channel, the *SDP message provides information for processing the broadcast session*;
accessing a broadcast session on a broadcast channel; and
processing the broadcast session using the SDP message. (Emphasis added.)
7. A wireless apparatus, comprising:
means for receiving a broadcast service parameter message corresponding to a broadcast session;
means for receiving an SDP corresponding to the broadcast session, wherein the *SDP message provides information for processing the broadcast session*; and
means for processing the broadcast session using the SDP. (Emphasis added.)
12. A method for indicating broadcast session protocol, comprising:
multiplexing an information identifying a broadcast session protocol with a content of the broadcast session to provide a broadcast stream; and
transmitting the broadcast stream on a broadcast transmission channel, the information identifying the *broadcast session protocol provides information for processing the broadcast session*. (Emphasis added.)
19. A method indicating broadcast session protocol, comprising:
receiving a broadcast stream;
determining an information identifying a broadcast session protocol in accordance with said received broadcast stream; and
processing the broadcast stream in accordance with said determined information if a receiving station contains the broadcast session protocol. (Emphasis added.)
23. A method for indicating broadcast session protocol, comprising:
multiplexing an information identifying a broadcast session protocol with a content of the broadcast session to provide a broadcast stream; and
providing the broadcast stream for transmission, wherein the information identifying the *broadcast session protocol provides information for processing the broadcast session*. (Emphasis added.)
34. A method for indicating a broadcast session protocol, comprising:
receiving a broadcast stream;
determining an information element in accordance with said received broadcast stream; and
processing the broadcast stream in accordance with said determined information element. (Emphasis added.)
39. A method for indicating broadcast session protocol, comprising:
multiplexing an *information for processing a broadcast session* with a content of a broadcast session to produce a broadcast stream; and
transmitting the broadcast stream on a broadcast transmission channel. (Emphasis added.)

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47. A method indicating broadcast protocol options, comprising:
receiving a broadcast stream;
determining an *information for processing a broadcast session* in accordance with said received broadcast stream; and
processing the broadcast stream in accordance with said determined information.
(Emphasis added.)

Further recitations from the Gagnon reference substantiate Applicants' positions in opposition to the characterization of the Gagnon reference. Specifically, the Gagnon reference discloses:

A preferred broadcasting system is the satellite-based system utilized by the DIRECTV® broadcast service. Such embodiments . . . employ a satellite receiving antenna to acquire real-time video broadcasts and **periodic data broadcasts** used to construct a program guide display. (Col. 11, lines 6-12; emphasis added).

In operation, the programming sources 108 receive video and audio programming from a number of sources, . . . The received programming signals, along with data signals from the **control data source 110** [note- the Gagnon reference provides no further enabling disclosure on the function or purpose of these signals], the **data service source 112** [note- again, the Gagnon reference provides no further enabling disclosure on the function or purpose of these signals], and the program guide data sources 114, are sent to the video/audio/data encoding system 116 where they are digitally encoded into information data streams that are multiplexed into a packetized data stream or bit stream using a number of conventional algorithms. Each data packet within the packetized data stream includes a header that identifies the contents of the data packet and a service channel identifier (SCID) that identifies the data packet. (Col 11, line 46 through col. 12, line 2; emphasis added).

. . . The PPG [pictographic program guide] . . . is assembled using two basic types of external data: (1) real-time broadcast data (e.g. streaming data), and (2) file data (i.e., data that is periodically downloaded and stored). (Col. 12, lines 42-46).

Applicants respectfully submit that the Gagnon reference does not disclose "*information for processing [a] broadcast channel*" as claimed in Applicants' independent claims 1, 3, 5, 7, 12, 23, 39, and 47 or "*processing the broadcast stream in accordance with said determined information*" as claimed in Applicants' independent claims 19 and 34.

Therefore, since the Gagnon reference does not disclose each and every element of Applicants' invention as presently claimed, the Gagnon reference cannot anticipate under 35 U.S.C. §102 Applicants' invention as presently claimed in independent claims 1, 3, 5, 7, 12, 19, 23, 34, 39, 47 and claims 2, 4, 6, 9-11, 13-16, 18, 20, 22, 24-27, 29-33, 35, 36, 40-44, 46, 48-50 depending variously therefrom. Accordingly, Applicants respectfully request the rejections be withdrawn.

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35 U.S.C. § 103(a) Obviousness Rejections**Obviousness Rejection Based on the Gagnon Reference in View of U.S. Patent No. 6,032,197 to Birdwell et al.**

Claim 8 stands rejected under 35 U.S.C. § 103(a) as being unpatentable Gagnon et al. (European Patent No. EP1024661A2) in view of Birdwell et al. (U.S. Patent No. 6,032,197). Applicants respectfully traverse this rejection, as hereinafter set forth.

The nonobviousness of independent claim 7 precludes a rejection of claim 8 which depends therefrom because a dependent claim is obvious only if the independent claim from which it depends is obvious. See In re Fine, 5 U.S.P.Q.2d 1596, 1600 (Fed. Cir. 1988), see also MPEP § 2143.03. Therefore, the Applicants request that the Examiner withdraw the rejection to independent claim 7 and claim 8 which depends therefrom.

Obviousness Rejection Based on the Gagnon Reference in View of European Pat. No. EP1024661A2 to Rustad et al.

Claims 17, 28, and 45 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Gagnon et al. (European Patent No. EP1024661A2) in view of Rustad et al. (U.S. Patent No. 6,775,303). Applicants respectfully traverse this rejection, as hereinafter set forth.

The nonobviousness of independent claims 12, 23, 39 preclude a rejection of claims 17, 28, 45 which depend therefrom because a dependent claim is obvious only if the independent claim from which it depends is obvious. See In re Fine, 5 U.S.P.Q.2d 1596, 1600 (Fed. Cir. 1988), see also MPEP § 2143.03. Therefore, the Applicants request that the Examiner withdraw the rejection to independent claims 12, 23, 39 and claim 17, 28, 45 which depend therefrom.

Obviousness Rejection Based on the Gagnon Reference in View of U.S. Patent No. 6,580,756 to Matsui et al.

Claims 21, 37-38, and 51 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Gagnon et al. (European Patent No. EP1024661A2) in view of Matsui et al. (U.S. Patent No. 6,580,756). Applicants respectfully traverse this rejection, as hereinafter set forth.

The nonobviousness of independent claims 19, 34, 47 preclude a rejection of claims 21, 37-38, and 51 which depend therefrom because a dependent claim is obvious only if the independent claim from which it depends is obvious. See In re Fine, 5 U.S.P.Q.2d 1596, 1600 (Fed. Cir. 1988),

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see also MPEP § 2143.03. Therefore, the Applicants request that the Examiner withdraw the rejection to independent claims 19, 34, 47 and claim 21, 37-38, and 51 which depend therefrom.

CONCLUSION

Claims 1-51 are believed to be in condition for allowance, and an early notice thereof is respectfully solicited. Should the Examiner determine that additional issues remain which might be resolved by a telephone conference, he is respectfully invited to contact Applicants' undersigned attorney.

Respectfully submitted,

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